

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Joshua Lapin

(b) County of Residence of First Listed Plaintiff Minnehaha

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro se; 401 E 8th St Ste 214 PMB 7452, Sioux Falls, SD 57103; (605) 305-3463

DEFENDANTS

Nutrisystem, Inc.; Davison Design & Development, Inc.; Renown Holdings, Inc.; John Doe Ad Network(s) 0-5

County of Residence of First Listed Defendant Montgomery

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Ronald L. Hicks, Jr., Nelson Mullins Riley & Scarborough LLP, 6 PPG PI Ste 700, Pgh., PA 15222; (412) 730-3092

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability LABOR <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003, 15 U.S.C. §§ 7701 et seq.

Brief description of cause:

Claims for unsolicited commercial email purportedly sent in violation of South Dakota and Florida anti-spam statutes

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

April 7, 2023

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSHUA LAPIN,

Plaintiff,

V.

NUTRISYSTEM, INC.; DAVISON
DESIGN & DEVELOPMENT, INC.;
RENOWN HOLDINGS, INC.; and
JOHN DOE AD NETWORK(S) 0-5,

Defendants.

No. _____

Document Filed Electronically

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Renown Holdings, Inc. (“Renown”), by its undersigned counsel, hereby removes the above-captioned action from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania. In support of this removal, Renown states as follows:

1. On March 20, 2023, Renown, through its undersigned counsel, received electronic notice from the Office of Judicial Records for the Court of Common Pleas of Philadelphia County, Pennsylvania (“State Court”), that Plaintiff Joshua Lapin (“Plaintiff”) filed a Complaint on March 19, 2023, which was reviewed and accepted on March 20, 2023, in Case No. 230200202. As part of that electronic notice, a document styled “Notice to Defend” was included with the Complaint’s filing. True and correct copies of the March 20, 2023, electronic notice, Complaint, and Notice to Defend are attached collectively hereto as Exhibit “1.”

2. Prior to electronic notice of the filing of the Complaint and Notice to Defend, Plaintiff attempted to serve Renown with a writ of summons issued on or about February 1, 2023. However, Plaintiff never arranged to have that original process served upon Renown or any of the

other originally named defendants (*i.e.*, Nutrisystem, Inc. (“Nutrisystem”), and Davison Design & Development, Inc. (“Davison”)) by either deputized service as provided by Pennsylvania Rule of Civil Procedure 400(d) or by a competent adult forwarding the process to the sheriff of the county where service may be made, both of which are required by Pennsylvania Rule of Civil Procedure 400.1(a)(2). Instead, Plaintiff engaged an adult person who served the writ of summons upon an employee or other representative of a company that leases space in the same building where Renown’s office is located but who has no affiliation with or authority to accept service for Renown. Accordingly, Plaintiff has not effectuated service of original process upon Renown. Nor has Plaintiff filed, as required by Pennsylvania Rule of Civil Procedure 405, any proof of service of the writ of summons upon Renown, Nutrisystem, and/or Davison, to the extent any such service was accomplished.¹

3. Plaintiff’s March 20, 2023 Complaint contains no certificate of service, and Plaintiff has not filed any separate proof of service of that pleading upon either Renown or the other named defendants which include not only Nutrisystem and Davison but also “John Doe Ad Network(s) 0-5.” *See* 3/20/23 Compl.

4. “[C]omplaining being in receipt of unsolicited commercial emails[,] [a]ll of [which] are alleged to have been sent by third parties not named in this suit; however, each of the ‘spams’ ... promoting the products and services of one of the instant defendants, ...” Plaintiff seeks in his Complaint “statutory liquidated damages” under both the South Dakota Anti-Spam Law, SDCL 37-24-41 – 37-24-48, and Florida Electronic Mail Communications Act, Fla. Stat. §§ 668.660-668.610, for the allegedly “unsolicited commercial emails” that he purportedly received

¹ Renown does not concede that it has been properly served with the original process or other papers in this matter. Instead, Renown expressly reserves its right to challenge the propriety of service and to raise all other defenses and objections to Plaintiff’s claim against Renown.

in June and July 2021 at an email address of “ketosoup97@gmail.com” and which separately contain marketing “graphics” of the products and services of Renown, Nutrisystem, and Davison. *See* 3/20/23 Compl., ¶¶ 1, 3-5, 17, & Exs. A, C, & D.

5. Moreover, although he prays for relief against “Defendants for their roles in this Unsolicited Commercial Email complaint,” Plaintiff sets forth no prayer for relief against the John Doe Ad Network(s) 0-5 Defendants. *See* 3/20/23 Compl., ¶ 17. Instead, in addition to seeking the “reasonable costs associated with filing and maintaining this action and for service of process,” Plaintiff’s Complaint seeks separate “statutory liquidated damages” against Renown, Nutrisystem, and Davison as follows: \$10,500 from Renown; \$3,000 from Nutrisystem; and \$22,500 from Davison. *Id.*

6. In his Complaint, Plaintiff acknowledges that Renown, Nutrisystem, Davison, and the John Doe Ad Network(s) 0-5 did not send or initiate any of the email messages in question. *See* 3/20/23 Compl., ¶¶ 1 & 9. Instead, the named Defendants are alleged to have been “extreme[ly] negligen[t] in an area of law that is regulated federally through the CAN-SPAM Act of 2003,² and through state-level spam laws in at least 36 states[.]” *Id.* at ¶11. The Defendants’ alleged negligence consists of their lack of knowledge of who actually sent the messages which, as Plaintiff asserts, contain in their “from line” a “from domain” that “is registered with falsified and/or misrepresented WHOIS data, calculated to impair the ability of the recipient to identify, locate, or respond to the person who initiated the message.” *Id.* at ¶ 10. Together with the fact that the sender’s identity is purportedly not made available from the domains themselves or in the body of the purported spam messages, this allegedly falsified “from domain” data “forms the basis of

² The full name of this federal legislation is the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 which is codified at 15 U.S.C. §§ 7701 *et seq.*

[Plaintiff's] allegation that all of the spams at issue have falsified or misrepresented headers, as is relevant to the South Dakota cause of action at SDCL 37-24-47(2),³ and the Floridian cause of action at 668.603(1)(b).” *Id.* at ¶¶ 10-16.

7. The CAN-SPAM Act contains an express preemption provision:

This chapter supersedes any statute, regulation, or rule of state law ... that expressly regulates the use of electronic mail to send commercial messages, except to the extent any such statute, regulation, or rule prohibits falsity or deception in any portion of a commercial electronic mail message or attached information thereto.

15 U.S.C. § 7707(b)(1).

8. Courts have consistently held that this broad preemption clause “demonstrates Congress’s intent that the CAN-SPAM Act broadly preempt state regulation of commercial e-mail” and that the “falsity or deception” requirement, to fall outside of the preemption provision, must rise to the level of common law fraud. *Gordon v. Virtumundo, Inc.*, 575 F.3d 1040, 1061-64 (9th Cir. 2009) (CAN-Spam Act preempts claims under Washington’s Commercial Electronic Mail Act regarding e-mails with header information that allegedly “misrepresent[ed] or obsur[ed] the sender’s identity or other); *Gordon v. BMG Columbia House, Inc.*, 459 Fed. Appx. 683, 684 (9th Cir. 2011) (same); *Ferguson v. Active Response Group*, 348 Fed. Appx. 255, 256 (9th Cir. 2009) (same); *Omega World Travel, Inc. v. Mummagraphics, Inc.*, 469 F.3d 348, 358 (4th Cir.

³ In Paragraph 15 of his Complaint, Plaintiff acknowledges that the United States District Court of the District of South Dakota has ruled that he was not a resident of South Dakota in 2021 when he purportedly received approximately 108 email messages containing graphics involving EverQuote, Inc., and thus lacked standing to sue for purported violations of SDCL 37-24-47. *See* 3/20/23 Compl., ¶ 15. Also, this Court can take judicial notice that Plaintiff’s attempt to sue parties that did not send alleged unsolicited commercial email but whose graphics appeared on those messages for alleged violations of the South Dakota anti-spam law were rejected by the United States District Court for the District of Idaho as failing to state a claim as a matter of law. *See Lapin v. Jones*, Case No. 1:22-cv-00011-DCN, 2022 WL 10067514, 2022 U.S. Dist. LEXIS 189467, at *9-*10 (D. Id. Oct. 14, 2022).

2006) (same for claims under Oklahoma law concerning emails allegedly containing technical inaccuracies in the header information and being sent to recipients who opted out); *Martin v. CCH, Inc.*, 784 F. Supp. 2d 1000, 1006-8 (N.D. Ill. 2011) (CAN-SPAM Act preempts claims that email subject lines allegedly contained misrepresentations and omissions and were misleading under the Illinois Electronic Mail Act); *Hafke v. Rosssdale Grp.*, Case No. 1:11-CV-220, 2011 WL 4758768, at *4 (W.D. Mich. Oct. 7, 2011) (CAN-SPAM act preempts claims that emails allegedly failed to provide sender's legal name and misrepresented information identifying the point of origin or transmission path of the emails purportedly in violation of Michigan's Unsolicited Commercial E-Mail Protection Act); *Ferron v. Echostar Satellite, LLC*, No. 2:06-cv-00453, 2008 WL 4377309 (S.D. Ohio Sept. 24, 2008) (CAN-SPAM act preempts claims for emails alleged to violate the Ohio Electronic Mail Advertisements Act because they failed to include a name, residential or business address, or electronic address).

9. In his March 20, 2023, Complaint, Plaintiff does not assert any claim for common law fraud concerning any of the alleged spam, including without limitation the seven email messages involving Renown's Yes Card marketing graphics. Instead, he asserts merely claims that are no different from those which other courts have held to be completely preempted by the CAN-SPAM Act. *See infra*, ¶ 8.

10. Under the complete preemption doctrine, Plaintiff's action arises under the laws of the United States. *See, e.g., Aetna Health Inc. v. Davila*, 542 U.S. 200, 207-8 (2004); *Beneficial Nat'l Bank v. Anderson*, 539 U.S. 1, 8 (2003); *Oneida Indian Nation v. County of Oneida*, 414 U.S. 661, 667 (1974); *Bastien v. AT&T Wireless Servs.*, 205 F.3d 983, 986-87 (7th Cir. 2000); *Gaming Corp. of Am. V. Dorsey & Whitney*, 88 F.3d 536, 543 (8th Cir. 1996).

11. Accordingly, this action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a), in that this Court has federal question jurisdiction under the CAN-SPAM Act which expressly preempts Plaintiff's action. *See Hafke*, 2011 WL 4758768, at *4.

12. This Notice is timely as it has been filed within thirty days of electronic service of Plaintiff's March 20, 2023, Complaint. *See* 28 U.S.C. § 1446(b).

13. This Court is part of the "district and division embracing the place where" the Plaintiff's state court action was filed. Accordingly, this Court is the correct location for removal. *See* 28 U.S.C. § 1446(b).

14. Pursuant to 28 U.S.C. § 1446(a), copies "of all process, pleadings, and orders" in Plaintiff's state court action are attached hereto as Exhibit 1. Renown has not answered or otherwise responded to Plaintiff's March 20, 2023, Complaint.

15. The only other "process, pleadings, and orders" known to exist is the February 1, 2023 writ of summons (which Renown disputes has been properly served upon it) and the February 17, 2023 rule to file complaint. Copies of that writ of summons and rule to file complaint and copies of the docket in Philadelphia Court of Common Pleas Case No. 230200202 as of April 7, 2023, are attached hereto, marked respectively as Exhibits 2, 3, and 4.

16. As his March 20, 2023, Complaint confirms, Plaintiff is not seeking any damages against the John Doe Ad Network(s) 0-5 Defendants. Moreover, the claims that he has asserted against Renown, Nutrisystem, and Davison are separate, distinct, and independent ones, in that Renown has been sued for only the seven email messages involving its YesCard graphic, Nutrisystem has been sued for only the two email messages involving its "Eat The Food Lose The

Weight” graphic, and Davidson has been sued for only the fifteen email messages involving its marketing graphics. *See* 3/20/23 Compl., ¶ 17. Therefore, the unanimous consent of all Defendants to this removal is not required. *See DiLoreto v. Costigan*, Nos. Civ.A. 08-989 & 08-990, 2008 WL 4072813, at *2 (E.D. Pa. Aug. 29, 2008) (“A removing defendant need not join a co-defendant ... against whom only separate and independent ... claims are pending.”)

17. Further, as the state court docket reflects, no other Defendant has entered an appearance in the matter, and it is unknown whether Plaintiff has effectuated service of the original process or the Complaint and Notice to Defend upon the other Defendants. Indeed, the March 19, 2023 Complaint has no certificate of service attached to it. *See* 3/20/23 Compl. Accordingly, no other consent to this removal is required. *See DiLoreto*, 2008 WL 4072813, at *2 (“A removing defendant need not join a co-defendant who has not been served ...”).

18. Moreover, Plaintiff states in his Complaint that “Nutrisystem and Plaintiff are on the brink of a confidential resolution of the portion of this complaint which involves Nutrisystem.” *See* 3/20/23 Compl., ¶ 4. On April 4, 2023, Renown inquired of Plaintiff about the status of his claims against Nutrisystem and the identity of the person with whom Plaintiff has been having discussion, so that Renown could talk with Nutrisystem. Prior to the filing of this removal, Plaintiff never responded to Renown’s inquiry. Therefore, Renown has no knowledge, in the exercise of reasonable diligence, whether Nutrisystem has been served or remains a party to the Complaint; such that its consent to this removal is not required. *See DiLoreto*, 2008 WL 4072813, at *2 (“A removing defendant need not join a co-defendant who ... is merely a nominal party”); *id.* at *4 (“[A] defendant is required to obtain consent only from those codefendants who it knew or should have known, in the exercise of reasonable diligence, had been served,” quoting *Laurie v. Nat’l R.R. Passenger Corp.*, No. Civ.A. 01-6145, 2001 WL 34377958, at *1 (E.D. Pa. Mar. 13, 2001)).

19. Finally, through the exercise of reasonable diligence, Renown has been able to speak with Mr. George Crompton, who serves as General Counsel for Davison. Like Renown, Davison disputes that it has been properly served with either original process or the Complaint and Notice to Defend filed on March 19, 2023 and accepted by the state court on March 20, 2023. Nevertheless, Mr. Crompton has advised that to the extent required, Davison consents to the removal of this action to this Court. Accordingly, affixed hereto following the signature of Renown's counsel is Mr. Crompton's signature reflecting Davison's consent to this removal.

20. A copy of this Notice of Removal is being filed with the Department of Judicial Records for the Court of Common Pleas of Philadelphia County and is being served upon the Plaintiff, consistent with 28 U.S.C. § 1446(a) and (d).

WHEREFORE, Renown respectfully removes this action to the United States District Court for the Eastern District of Pennsylvania for further proceedings pursuant to this Notice.

Respectfully Submitted,

Dated: April 7, 2023

/s/ Ronald L. Hicks, Jr.

Ronald L. Hicks, Jr. (PA ID #49520)

ronald.hicks@nelsonmullins.com

NELSON MULLINS RILEY & SCARBOROUGH LLP
Six PPG Place, Suite 700
Pittsburgh, PA 15222
(412) 730-4050

*Attorneys for Defendant
Renown Holdings, Inc.*

Consented To:

Dated: April 7, 2023

/s/ George Henry Crompton

George Henry Crompton (PA ID 63201)

crompton.george@5dsvs.com

5D Services, LLC
585 Alpha Drive RIDC Park
Pittsburgh, PA 15238
(412) 785-0780

General Counsel
Davison Design & Development, Inc.

Exhibit “1”

Ronald Hicks

From: cp-e filing@courts.phila.gov
Sent: Monday, March 20, 2023 10:41 AM
To: Ronald Hicks
Subject: Notice of an E-Filing on Case #230200202

◀External Email▶ - From: cp-e filing@courts.phila.gov



Dear Ronald L. Hicks,

A legal paper has been filed electronically in connection with a Trial Division - Civil case in which you are counsel of record for a party, or you are an unrepresented party, and have consented to be served electronically with any pleading (other than original process) as provided in Pa.R.C.P. No. 205.4 and Philadelphia Civil *Rule No. 205.4.

Filed as noted below. The following information is provided for your records:

Caption:
LAPIN VS NUTRISYSTEM INC ETAL
Case Number: 230200202

Date Reviewed and Accepted:
March 20, 2023 10:40 am EDT/DST

Date Presented to the Office of Judicial Records for Filing
and Date Deemed Filed:
March 19, 2023 04:37 pm EDT/DST
Type of Pleading/Legal Paper:
COMPLAINT FILED NOTICE GIVEN
E-File No.: 2303042036

To retrieve the legal paper filed and any related notice, order or legal paper, log in to the Electronic Filing Web Site at <http://courts.phila.gov> using the Court-issued User Name and Password. You may also go directly to the legal paper/document by copying and pasting the following web address(es) into your browser or by clicking the link(s) below to view the related document(s). Each link represents a separate document filed in connection with this matter. Utilizing the link(s) below will only take you to the actual document. You will not be logged into the court's electronic filing system.

Notice-to-Defend-10-284.pdf
https://fjdefile.phila.gov/efsfd/zk_ealib.open_doc?h=LmXmMof4k3w96ll

PA_Case_Original_Complaint_With_Exhibits_Signed.pdf
https://fjdefile.phila.gov/efsfd/zk_ealib.open_doc?h=MnXILog5k2v97Jk

THANK YOU,

ERIC FEDER
DEPUTY COURT ADMINISTRATOR
DIRECTOR, OFFICE OF JUDICIAL RECORDS

DISCLAIMER

The First Judicial District will use your electronic mail address and other personal information only for purposes of Electronic Filing as authorized by Pa. R.C.P. 205.4 and Philadelphia Civil *Rule 205.4.

Use of the Electronic Filing System constitutes an acknowledgment that the user has read the Electronic Filing Rules and Disclaimer and agrees to comply with same.

This is an automated e-mail, please do not respond!

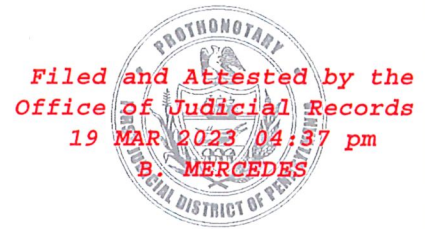


Joshua Lapin, Pro Se Plaintiff

401 E 8th ST
STE 214 PMB 7452
Sioux Falls SD 57103

Email: thehebrewhammerjosh@gmail.com

Facsimile: (605) 305-3464



**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

Joshua Lapin

Plaintiff,

vs.

Davison Design & Development Inc

Nutrisystem Inc

Renown Holdings Inc

John Doe Ad Network(s) 0-5

Case No.: 230200202

ORIGINAL COMPLAINT FOR DAMAGES

South Dakota Spam Law (SDCL 37-24-41)

Florida Anti-Spam Law (§ 668.603)

COMPLAINT

1. COMES NOW Plaintiff Joshua Lapin, pro se, complaining being in receipt of unsolicited commercial emails. All of the emails are alleged to have been sent by third parties not named in this suit; however, each of the “spams” were promoting the products and services of one of the instant defendants, all of whom are hereinafter dubbed (“Advertisers”) as defined in South Dakota’s spam law at SDCL 37-24-41(1), “Advertiser,” a person or entity that advertises through the use of commercial e-mail advertisements.” Each advertiser is also alleged and considered to have “assist[ed] in the transmission” of the spams which promote their products and services, whereas the quoted phrase adopts the definition in the Florida Electronic Mail Communications Act, as codified in 668.602(2), “Assist in the transmission” means to provide substantial assistance or support that

1 enables a person to formulate, compose, send, originate, initiate, or transmit a commercial
2 electronic mail message when the person providing the assistance knows or has reason to know that
3 the initiator of the commercial electronic mail message is engaged in or intends to engage in a
4 practice that violates this chapter.”

5 6 PARTIES

7 2. Plaintiff Joshua Lapin is and was at all times material a citizen of the United States and a
8 resident of South Dakota. At the times of the receipt of this spam, he was traveling the world as a
9 “digital nomad,” moving from state to state, then country to country, in 30 day cycles. He has since
10 returned to South Dakota in January of 2023.

11 3. Renown Holdings Inc “Renown,” as best known to plaintiff, is and was at all times material a
12 corporation formed under the laws of Pennsylvania with its principal place of business in
13 Uniontown, PA. Upon information and belief, it offers sub-prime credit cards to those with less
14 than stellar credit (which admittedly includes the instant plaintiff). Renown stands accused of
15 “Advertising” and “assist[ing]in the transmission” of 7 spams which promote its “Yes Card”
16 product, an example of which is attached hereto as Exhibit A. Renown Holdings Inc is alleged to
17 transact business throughout Pennsylvania, including Philadelphia County, as it targets consumers
18 through both lawful and unlawful means on a nationwide basis.

19 4. Nutrisystem Inc “Nutrisystem,” as best known to plaintiff, is and was at all times material a
20 corporation formed under the laws of Delaware with its principal place of business in Fort
21 Washington, Pennsylvania. However, it has apparently been acquired and/or sold multiple times in
22 recent history, and a google search for “Nutrisystem Headquarters” reveals Philadelphia in big font
23 (Exhibit B), and this served as plaintiff’s basis for venueing this action. It has been brought to my
24 attention that Nutrisystem is actually principled in Fort Washington, PA. Nonetheless, upon
25 information and belief, Nutrisystem and Plaintiff are on the brink of a confidential resolution of the
26 portion of this complaint which involves Nutrisystem, Notwithstanding the above, in conjunction
27 with the fact that today is the final day for plaintiff to file a complaint pursuant to the Praeceptum For

1 a Rule To File a Complaint, plaintiff is filing the complaint in the already-filed case, and will reach
2 out to council for the remaining two defendants shortly, in an attempt to stipulate to an agreeable
3 venue, ideally without engaging in needless motions practice and respecting judicial economy. In
4 any event, Nutrisystem appears to have at least five stores in Philadelphia, therefore transacts
5 business in Philadelphia, and venue is proper (albeit not “rock solid”) on this basis alone.

6 Nutrisystem is accused of “Advertising” and “assist[ing]in the transmission” in 2 spams which
7 promote its products and services, an example of which is attached as Exhibit C.

8 5. Davison Design and Development Inc “Davison,” as best known to plaintiff, is and was at all
9 times material a corporation formed under the laws of Pennsylvania with its principal place of
10 business in Pittsburgh. It stands accused of “advertising” and “assist[ing]in the transmission” of 15
11 spams which promote its “invention help” services, as poorly summarized by the plaintiff. An
12 examples of these are attached as Exhibit D.

13 6. John Doe Ad Network(s) 0-5 are intermediar(ies) alleged to have contracted with the non-doe
14 defendants in order to help them promote their products and services. However, John Doe Ad
15 Network(s) 0-5 are not alleged to have sent any of the spams themselves, rather, they are alleged to
16 turn around to their publisher(s) who, in turn, promote the “creative materials” from the companies
17 who have something to sell, to the benefit of everyone “in the chain.” Therefore, the actual sender
18 would be a third party of John Doe Ad Network(s) 0-5, and a *fourth* party of the named, non-doe
19 defendants.

20 FACTS

21 7. Each of the spams are alleged to advertise the products/services of one of the named defendants.

22 8. The attached exhibits, save exhibit B, are true and correct preservations of those spams.

23 9. The named defendants are NOT alleged to have “sent,” or “initiated” any of the spams
24 themselves. Rather, they are alleged to have contracted with one or more of the John Doe Ad
25 Network(s) 0-5, whose publisher actually sent the spams.
26
27
28

1 10. The 'from domain' in the from line is registered with falsified and/or misrepresented WHOIS
2 data, calculated to impair the ability of the recipient to identify, locate, or respond to the person who
3 initiated the message. Nor is the sender's identity made available from the domain names
4 themselves or in the body of the spams; this forms the basis of the allegation that all of the spams at
5 issue have falsified or misrepresented headers, as-is relevant to the South Dakotan cause of action at
6 SDCL 37-24-47(2), and the Floridian cause of action at 668.603(1)(b).

7
8
9 11. The spams at issue were sent 'from a computer located in this state [Florida]' because the
10 sender registered the 'from domains' at Ft. Lauderdale, Florida based domain registrar "Moniker
11 Online Services LLC", "Moniker," and utilized Florida-based Moniker's DNS Servers and hosting
12 services for the domains from which the spams were sent. This forms the basis for the relevance of
13 Florida's spam law to the Pennsylvanian defendants. See 668.603(1), as well as the definition (and
14 allegation) of "assist in transmission" as defined in 668.602(2). As to the latter, the named non-doe
15 defendants assisted in transmission of these spams by "...provid[ing] substantial assistance or
16 support that enables a person to formulate, compose, send, originate, initiate, or transmit a
17 commercial electronic mail message when the person providing the assistance knows or has reason
18 to know that the initiator of the commercial electronic mail message is engaged in or intends to
19 engage in a practice that violates this chapter." 668.602(2). The non-doe defendants are accused of
20 knowingly providing their marketing "graphics" to third party John-Doe Ad Network(s), with the
21 full knowledge and contractual expectation that an unknown-to-them fourth party "publisher"
22 would send the spams. As the non-Doe Defendants appear to have no idea who the fourth party is,
23 they can be alleged to have relinquish(ed) any/all control over the headers of the spams, nor have
24 any knowledge of the identity of the sender through an apparent "double-blind" system. In fact, the
25 named defendants seem to be struggling to identify the *third* party [John Doe Ad Network(s)], as
26
27
28

1 they have been called upon to do in the pre-complaint discovery served alongside the writ, much
2 less the *fourth* party who actually sent the spams. Renown even admits the same in its
3 “OBJECTIONS AND ANSWERS TO PRE-COMPLAINT DISCOVERY DIRECTED TO
4 RENOWN HOLDINGS, INC.” This level of extreme negligence in an area of law that is regulated
5 federally through the CAN-SPAM Act of 2003, and through state-level spam laws in at *least* 36
6 states, amounts to willful misconduct. See also 668.601 – Legislative Intent - This part is intended
7 to promote the integrity of electronic commerce and shall be *construed liberally* in order to protect
8 the public and legitimate businesses from deceptive and unsolicited commercial electronic mail. In
9 combination with the imposition of liability onto those who “assist in transmission” by formulating,
10 composing, and originating spams, AND the imposition of liability onto those who spam Florida
11 residents AND those who spam [others] from a computer located in Florida, it is all-the-more-clear
12 that the FL legislature intended to impose liability onto those who spam, or conspire to spam (the
13 whole world), from Floridian computer systems.
14
15

16
17 12. While the ‘from domains’ were registered from a Floridian domain registrar, and the DNS
18 Servers and e-mail services of those domains are also Floridian, it is also alleged that the actual
19 sender of these spams transmitted them through the use-and-abuse of the following two email
20 marketing platforms:

21
22 A: Aurea Email Marketing: Lyris Inc and its parent company Aurea Inc (“Aurea”)

23
24 B: Keap: Infusion Software, Inc dba Keap (“Keap”).
25

26 13. The sender funneled the Floridian domains through account(s) that they made at these
27 platforms, who then transmitted the spams onto the recipients. Those email marketing platforms
28

1 have strict, clear, anti-spam policies in their terms of service agreements, to which they must have
2 agreed. For Aurea, this is called the "Terms of Use." For Keap, this is called the Acceptable Use
3 Policy (AUP).

4
5 The Keap Acceptable Use Policy contains all of the following terms which were violated:

6 A) All email lists used in conjunction with the services provided by Us are required to be 100%
7 solicited (opt-in) lists...

8 B) Bartering, purchasing or renting lists of names and sending e-mails to those people is strictly
9 prohibited, and marketing lists containing email addresses cannot be shared/duplicated/transferred
10 between Our individual applications.

11
12 C) You may not use the Services to, nor allow its users or
13 any third-party to use the Service to: Generate or facilitate unsolicited commercial email
14 (spam), including without limitation: sending communications or email in violation of the CAN-
15 SPAM Act or any other applicable anti-spam law or regulation; sending unauthorized mail via open,
16 third-party servers; sending email to users who have requested to be removed from a mailing list;
17 marketing to any lists whose recipients did not express explicit consent to receive such marketing
18 material; selling to, exchanging with, sharing with or distributing to a third party personal
19 information, including the email addresses of any person without such person's knowing
20 and continued consent to such disclosure; or sending unsolicited emails to significant numbers of
21 email addresses belonging to individuals and/or entities with whom you have no preexisting
22 relationship...[inter alia]...Create a false identity for the purpose of misleading others, impersonate
23 another person, entity or Us (via the use of an email address or otherwise) or otherwise misrepresent
24 the source of any communication....[inter alia]...Generate or facilitate any communications
25 (including without limitation, SMS, MMS, or other text messages, calls, faxes, or push
26
27
28

1 notifications) in violation of the Telephone Consumer Protection Act, the Do-Not-Call
2 Implementation Act, or any other applicable law including anti-spam, telemarketing or telephone
3 consumer protection laws or regulations. Violate any applicable policy, terms of use, or agreement
4 with Us, including without limitation, Our Terms of Use, the Click to Call / Click to Text Beta
5 Service Terms of Use, and DMCA Policy, as may be updated or amended from time to time; or
6 Violate any other applicable laws or regulations.
7

8
9 D) You may not, and may not allow any third-party, including Your users, to use the Services to
10 display, store, process or transmit, or permit use of Services to display, store, process or transmit
11 (collectively the "Prohibited Material"): Material that infringes or misappropriates, or uses without
12 appropriate consent, a third party's intellectual property or proprietary rights;...[inter alia]...
13

14 As to Aurea, its Terms of Use Agreement contains the following provisions which were violated:
15

16
17 A) Customer may not use the Services to send unsolicited
18 email, whether it be commercial or non-commercial, and/or commercial email containing any
19 deceptive, unsubstantiated, or unfair marketing claim (collectively, "Spam").

20 B) Customer's email will be considered unsolicited if Customer's membership addresses are not
21 100% opt-in by Customer's members. If Customer's email addresses came from harvesting, a
22 purchased email list, another mailing list (even with the approval of the other list owner or Service
23 Provider), or are compiled by any method other than by direct subscription from Customer's
24 members, then all messages sent to such addresses will be considered Spam under these Terms of
25 Use.
26
27
28

1 C) Customer's email will be considered Spam if it: (i) contains one or more deceptive or
2 unsubstantiated claims regarding products or services; and/or (ii) furthers, constitutes, or consists of
3 an unfair business practice.

4 D) [Under "Other Unacceptable Uses"] "Send email with an invalid "From:" or "Reply-to:"
5 address. All messages posted to Customer's list must contain valid email addresses that accurately
6 reflect the sender's identity."

7 E) Transmit any unlawful, harmful, threatening, abusive, harassing, defamatory, vulgar, obscene, or
8 hateful content or content that is racially, ethnically, or otherwise objectionable, or that infringes
9 **upon the rights of any third party** [Paragraphs 8-12], as determined by Service Provider.
10

11
12 F) Impersonate any person, including, but not limited to, an official of Service Provider or an
13 information provider, or communicate under a false name or a name that Customer is not entitled
14 or authorized to use.

15 G) Intentionally or unintentionally violate any applicable local, state, national, or international law,
16 including, but not limited to, any regulations having the force of law.

17 H) Customer agrees to use the Services only for lawful purposes.
18
19

20 The sender disregarded these conditions and funneled the Floridian domain names through their
21 account(s) at these two marketing platforms, such that the 'from line' would consist of those
22 Floridian domain names, and the recipients would be rendered helpless to identify who is sending
23 them unlawful spams with misrepresented headers. Each spam's call to action contains a "clickable
24 link," which is a URL owned by one of the email marketing platforms of Aurea or Keap. For Keap,
25 it looks something like this: [https://fk934.infusion-](https://fk934.infusion-links.com/api/v1/click/4967282494537728/4604439912906752)
26 [links.com/api/v1/click/4967282494537728/4604439912906752](https://fk934.infusion-links.com/api/v1/click/4967282494537728/4604439912906752).
27
28

For Aurea, it looks something like this:

http://www.uptilt.com/c.html?ufl=7&rtr=on&s=lmzp,2r8uz,5mvg,2j59,5fbx,abrp,iyxi&EMAIL_ADDRESS=ketosoup97@gmail.com

14. Since these spams were transmitted through these platforms in violation of their terms of service and acceptable use agreements, and those platforms expressly forbid the use of their services (which includes but is not limited to their “clickable link” domains) in this manner, this forms the basis for the allegation that the non-doe defendants “advertised in a commercial e-mail advertisement...sent to a South Dakota electronic mail address...[which]...contains or is accompanied by a third-party's domain name without the permission of the third party,” as-is relevant to the allegation of SDCL 37-24-37(1) and Florida’s 668.603(1)(a).

15. Plaintiff’s email address is and was at all times material a “South Dakota electronic mail address” for the purposes of the South Dakotan cause of action because plaintiff Joshua Lapin is and was at all times material a legal resident of the state of South Dakota for the purposes of SDCL 37-24-41(14)(C). Plaintiff feels obligated to disclose that a Federal Judge in South Dakota, AFTER plaintiff filed the writ of execution but prior to the filing of this complaint, did find him to be not a resident for the purposes of SDCL 37-24-41(14)(C), in *Lapin v. EverQuote Inc.*, 4:22-CV-04058-KES (D.S.D. Feb. 17, 2023), Dkt. 23. However, the judge in that case did not have the knowledge that I returned to South Dakota five weeks prior to her issuing this ruling, and plaintiff is finalizing a strong motion to reconsider the dismissal under FRCP 59(e), in which he expects to reverse the dismissal. Separately, this court is not bound to the South Dakota Federal Court’s “prediction” of the South Dakota Supreme Court handling of plaintiff’s standing for the purposes of SDCL 37-24-41(14)(C), and is free to reach a contrary conclusion. Finally on this matter, the Floridian cause of action is not dependent on the residency of the recipient, and stands independently of the South

1 Dakotan cause-of-action; the same discovery against the same defendants remains necessary in
2 order to best-state a claim, rendering the pending discovery necessary regardless.

3
4 16. In summary of the allegations against the non-doe defendants:

5
6 “Advertised” in, and “Assist[ed] In [The] Transmission” of Unsolicited Commercial Emails that
7 were sent from a computer located in Florida AND to a “South Dakota Electronic Mail Address”
8 which:

9
10
11 A) had falsified and/or misrepresented headers for the purposes of the South Dakotan cause of
12 action at SDCL 37-24-47(2), and the Floridian cause of action at 668.603(1)(b).

13
14 B) were accompanied by a third party’s domain name without the permission of the third party for
15 the purposes of the South Dakotan cause of action at SDCL 37-24-37(1) and Florida’s
16 668.603(1)(a).

17
18
19 **PRAYER FOR RELIEF**

20 17. Plaintiff prays that the court grant relief against Defendants for their roles in this Unsolicited
21 Commercial Email complaint, as described throughout this complaint, by entering judgment as
22 follows:
23

24
25 Renown Holdings Inc: \$1000 statutory liquidated damages pursuant to 37-24-48(2), X 7 separate
26 unsolicited commercial emails = \$7,000. \$500 statutory liquidated damages pursuant to
27 668.606(3)(b) X 7 unsolicited commercial emails = \$3,500. In total: \$10,500. Further, pursuant to
28

1 both causes of action, plaintiff seeks the reasonable costs associated with filing and maintaining this
 2 action, and for service of process.

3
 4 Nutrisystem Inc: \$1000 statutory liquidated damages pursuant to 37-24-48(2), X 2 separate
 5 unsolicited commercial emails = \$2,000. \$500 statutory liquidated damages pursuant to
 6 668.606(3)(b) X 2 unsolicited commercial emails = \$1,000. In total: \$3,000. Further, pursuant to
 7 both causes of action, plaintiff seeks the reasonable costs associated with filing and maintaining this
 8 action, and for service of process.

9
 10
 11 Davison Design & Development Inc: \$1000 statutory liquidated damages pursuant to 37-24-48(2),
 12 X 15 separate unsolicited commercial emails = \$15,000. \$500 statutory liquidated damages
 13 pursuant to 668.606(3)(b) X 15 unsolicited commercial emails = \$7,500. In total: \$22,500 Further,
 14 pursuant to both causes of action, plaintiff seeks the reasonable costs associated with filing and
 15 maintaining this action, and for service of process.

16 Note: Recovery under both statutes is permissible due to the “cumulative” remedies clause 668.610.

17
 18 18. Jurisdiction is proper in the Pennsylvanian Court of Common Pleas because all non-doe
 19 defendants are incorporated and/or principled in the Commonwealth of Pennsylvania.

20
 21 19. Venue was thought to be proper because plaintiff operated on the google-able information that
 22 Nutrisystem was principled in Philadelphia, not Fort Worth. However, all defendants are alleged to
 23 transact business in Philadelphia County, and plaintiff intends to stipulate with the remaining
 24 defendants an agreeable venue, in the event that Philadelphia is found to be improper. Ref ¶ 4.

25 Joshua Lapin, pro se plaintiff

26 

27
 28 03 / 09 / 2023

EXHIBIT

A

Subject: Your approval is guaranteed
From: Yes Card <newsletter@rumorfox.com>
To: Joshua Lapin <ketosoup97@gmail.com>
Date Sent: Tuesday, July 6, 2021 6:25:47 AM GMT+03:00
Date Received: Tuesday, July 6, 2021 6:36:38 AM GMT+03:00

If you have trouble viewing this message please [click here](#).

The advertisement features the 'YesCard' logo at the top center. Below it, a banner reads 'GUARANTEED* APPROVAL' in large, bold, red letters. To the left of the banner is a 3D rendering of a credit card. Below the banner, the text '\$1,000 CREDIT LINE' is displayed in large, bold, red letters. To the right of this text is a blue credit card with the 'YesCard' logo, the number '1234-5678-9101-1121', the name 'JOHN Q. PUBLIC', and 'MEMBER SINCE 2012'. Below the credit card, the text 'All Credit Types' is followed by three red stars. Below that, 'No Interest on Purchases' is followed by three red stars. At the bottom left, 'Secure Application' is followed by three red stars. To the right of this, a large red button says 'GET STARTED NOW'.

YesCard

GUARANTEED* APPROVAL

\$1,000 CREDIT LINE

All Credit Types ***

No Interest on Purchases ***

Secure Application ***

GET STARTED NOW

To stop receiving messages, please visit [here](#) or send request to:
Yes Card Services
PO Box 757, Hopwood, PA 15445

This email is intended for ketosoup97@gmail.com.
[Update your preferences](#) or [Unsubscribe](#)

Case ID: 230200202

Doc ID: 83577e5ba1630d401fa74ec0779f50d40ac78857

Subject: No credit check, guaranteed approval

From: Yes Card <info@jobsdeliver.com>

To: ketosoup97@gmail.com

Date Sent: Saturday, June 26, 2021 3:33:20 PM GMT+03:00

Date Received: Saturday, June 26, 2021 3:33:21 PM GMT+03:00



To stop receiving messages, please visit [here](#) or send request to:
Yes Card Services
POBox757HopwoodPA15445

If you no longer wish to receive our emails, click the link below:

[Unsubscribe](#)

Plan Your Future Co PO Box 4668#85919 #85919 New York, New York 10163-4668 United States

Case ID: 230200202

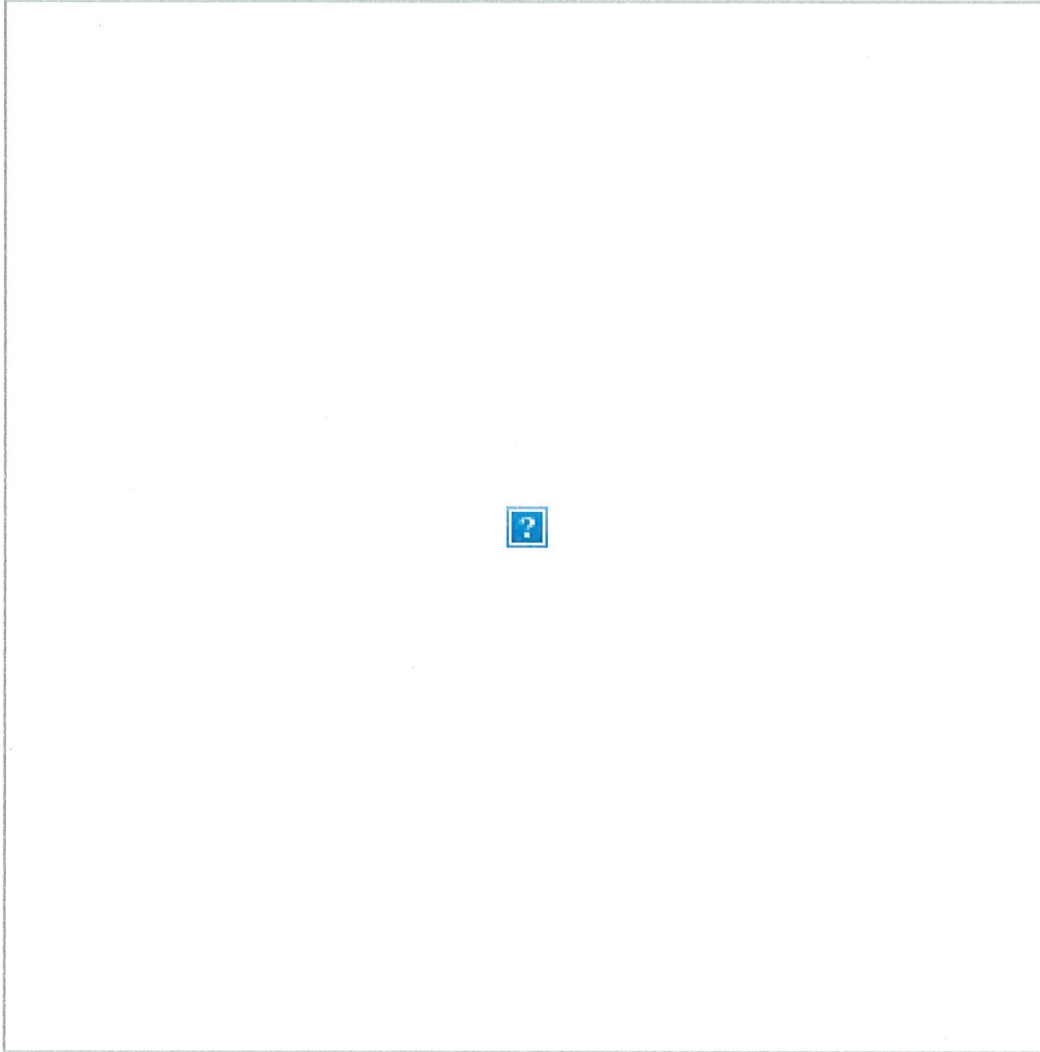
Subject: Guaranteed \$1000 credit line

From: Yes Card <info@jobsdeliver.com>

To: ketosoup97@gmail.com

Date Sent: Tuesday, July 13, 2021 9:32:06 PM GMT+03:00

Date Received: Tuesday, July 13, 2021 9:32:09 PM GMT+03:00



To stop receiving messages, please visit [here](#) or send request to:
YesCardServices
POBox75HopwoodPA15445

If you no longer wish to receive our emails, click the link below:

[Unsubscribe](#)

Plan Your Future Co PO Box 4668#85919 #85919 New York, New York 10163-4668 United States

Case ID: 230200202

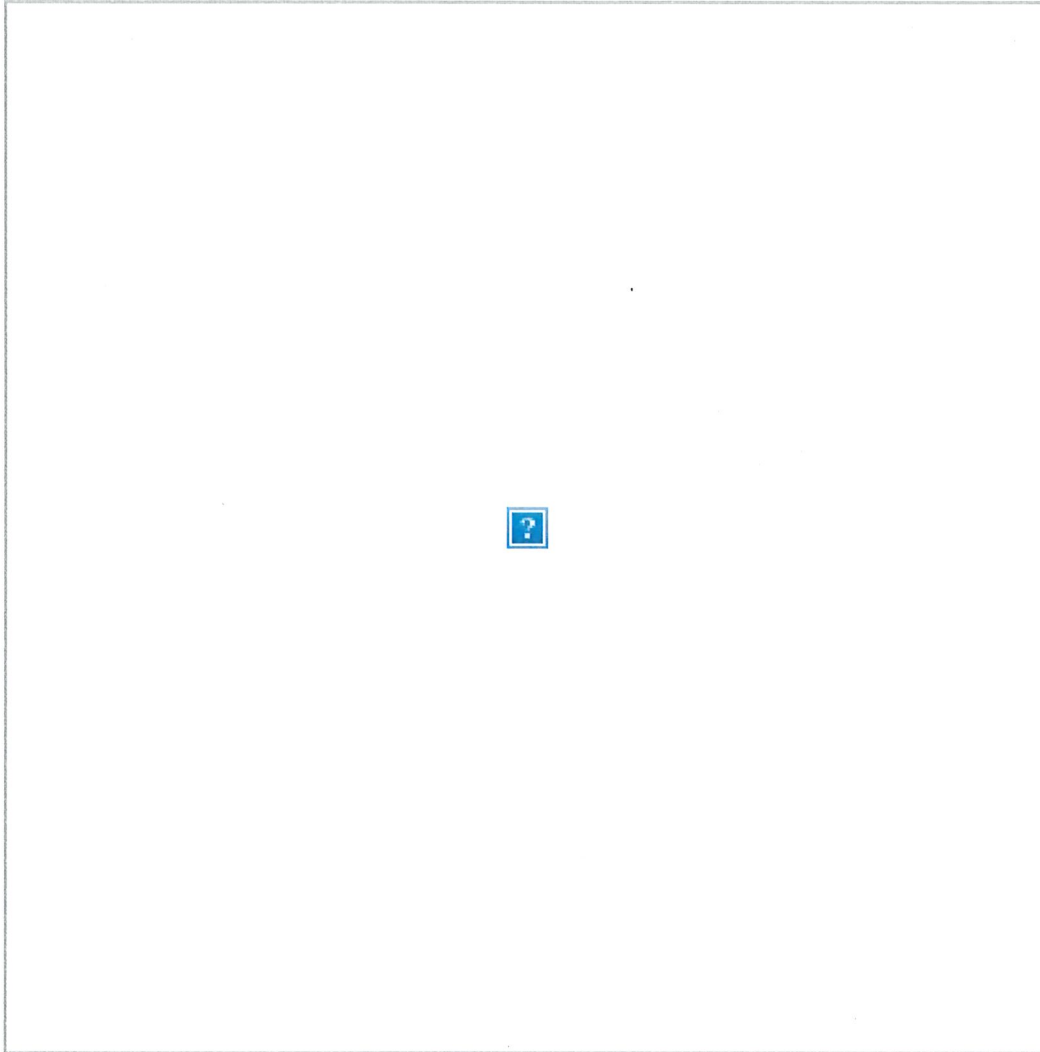
Subject: Instant Approval

From: Yes Card <info@jobsdeliver.com>

To: ketosoup97@gmail.com

Date Sent: Friday, July 9, 2021 4:32:06 PM GMT+03:00

Date Received: Friday, July 9, 2021 4:32:22 PM GMT+03:00



To stop receiving messages, please visit [here](#) or send request to:
YesCardServices
POBox757HopwoodPA15445

If you no longer wish to receive our emails, click the link below:

[Unsubscribe](#)

Plan Your Future Co PO Box 4668#85919 #85919 New York, New York 10163-4668 United States

Case ID: 230200202

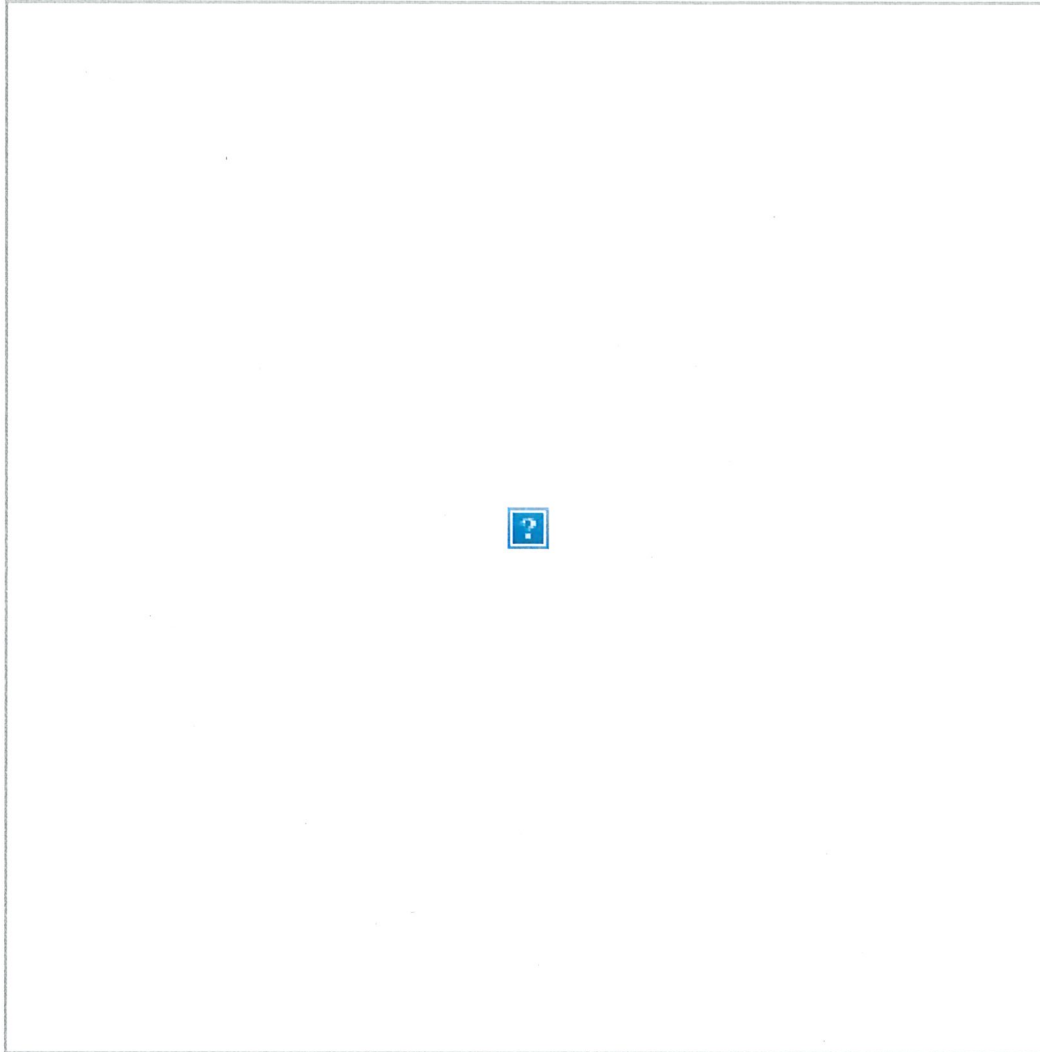
Subject: No credit check, guaranteed approval

From: Yes Card <info@jobsdeliver.com>

To: ketosoup97@gmail.com

Date Sent: Saturday, July 24, 2021 1:34:45 AM GMT+03:00

Date Received: Saturday, July 24, 2021 1:34:47 AM GMT+03:00



To stop receiving messages, please visit [here](#) or send request to:
YesCardServices
POBox757HopwoodPA15445

If you no longer wish to receive our emails, click the link below:

[Unsubscribe](#)

Plan Your Future Co PO Box 4668#85919 #85919 New York, New York 10163-4668 United States

Case ID: 230200202

Subject: Guaranteed \$1000 credit line
From: Yes Card Services <info@jobsdeliver.com>
To: ketosoup97@gmail.com
Date Sent: Monday, July 19, 2021 11:34:11 PM GMT+03:00
Date Received: Monday, July 19, 2021 11:34:13 PM GMT+03:00



To stop receiving messages, please visit [here](#) or send request to:
YesCardServices
POBox757HopwoodPA15445

If you no longer wish to receive our emails, click the link below:

[Unsubscribe](#)

Plan Your Future Co PO Box 4668#85919 #85919 New York, New York 10163-4668 United States

Case ID: 230200202

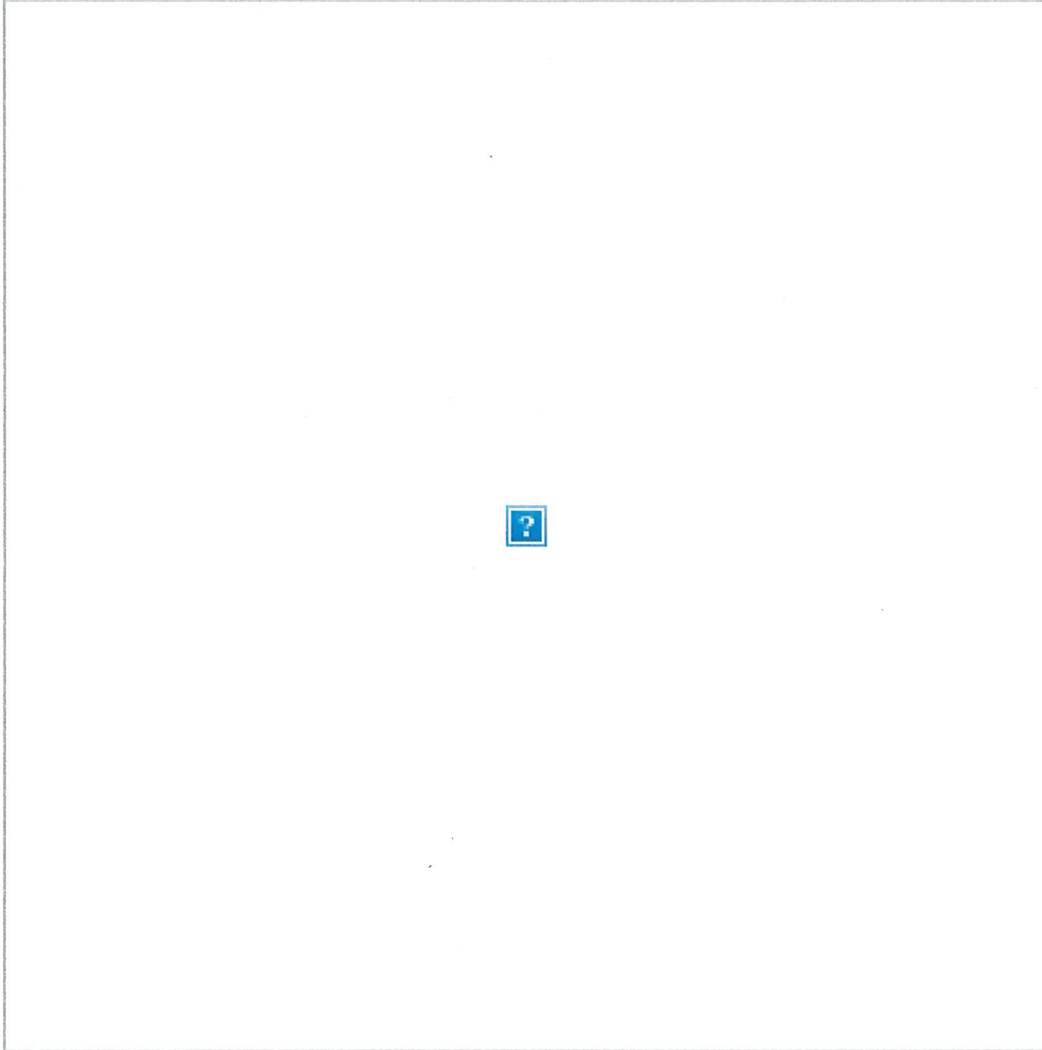
Subject: Instant approval \$1000 credit line

From: Yes Card Services <info@jobsdeliver.com>

To: ketosoup97@gmail.com

Date Sent: Wednesday, July 28, 2021 1:31:55 AM GMT+03:00

Date Received: Wednesday, July 28, 2021 1:31:57 AM GMT+03:00



To stop receiving messages, please visit [here](#) or send request to:
Yes Card Services
PO Box 757, Hopwood, PA 15445

If you no longer wish to receive our emails, click the link below:

[Unsubscribe](#)

Plan Your Future Co PO Box 4668#85919 #85919 New York, New York 10163-4668 United States

Case ID: 230200202

EXHIBIT

B



https://www.google.com/search?q=nutrisystem+headquarters&oq=nutrisystem+headquarters&qs=chrome.0.0i512j0i20i263i512j... 1/2
Doc ID: 83577e5ba1630d401fa74ec0779f50d40ac78857

EXHIBIT

C

Subject: Jumpstart your weight loss and healthy Lifestyle
From: Nutrisystem Discount <info@jobsharknl.com>
To: ketosoup97@gmail.com
Date Sent: Tuesday, July 6, 2021 11:45:43 AM GMT+03:00
Date Received: Tuesday, July 6, 2021 11:45:45 AM GMT+03:00

This Is A 3rd Party Advertisement
[View as HTML](#)

Nutrisystem®

📞 1-844-960-1012

EAT THE FOOD.
LOSE THE WEIGHT.

GET 50% OFF

with auto-delivery†

ORDER NOW ▶



To be put on the "Do Not Email" list for Nutrisystem, [click here](#).

Or mail your request to:

PO Box 4668 #85919

New York, NY 10163-4668

[Unsubscribe](#)

Job Shark PO Box 10188-85919 Newark, New Jersey 07101 United States

Case ID: 230200202

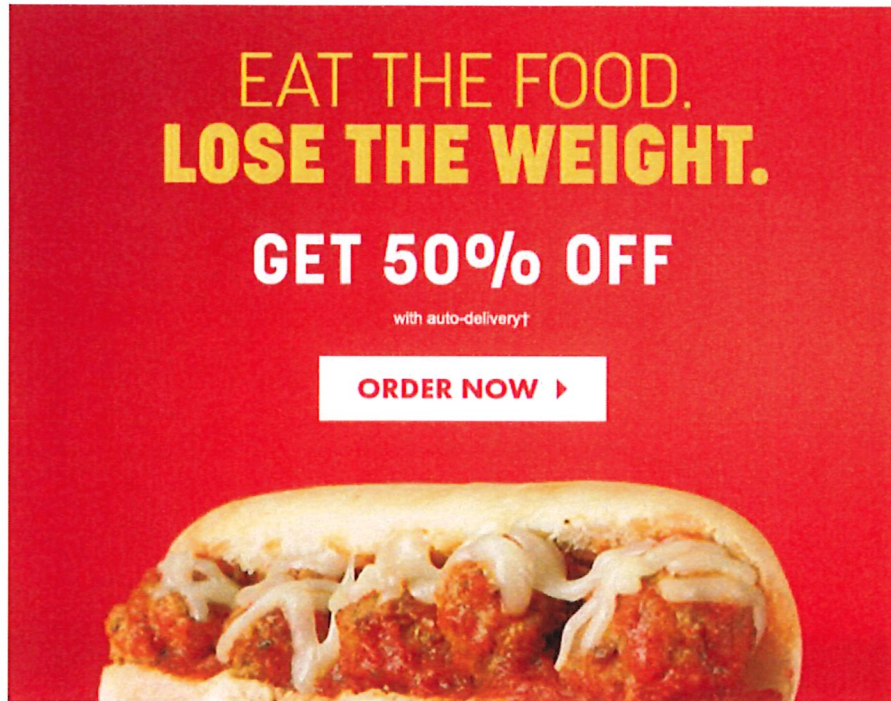
Doc ID: 83577e5ba1630d401fa74ec0779f50d40ac78857

Subject: Jumpstart your weight loss and healthy lifestyle
From: Nutrisystem Discount <delivered@emails-jobsdelivered.com>
To: ketosoup97@gmail.com
Date Sent: Thursday, July 8, 2021 6:18:57 AM GMT+03:00
Date Received: Thursday, July 8, 2021 6:19:00 AM GMT+03:00

This Is A 3rd Party Advertisement
View as HTML

Nutrisystem®

📞 1-844-960-1012



To be put on the "Do Not Email" list for Nutrisystem, click [here](#). Or mail your request to: PO Box 4668 #85919 New York, NY 10163-4668

[Unsubscribe](#)

Jobs Delivered PO Box 4668 #85919 New York, New York 10163-4668 United States

Case ID: 230200202

Doc ID: 83577e5ba1630d401fa74ec0779f50d40ac78857

EXHIBIT

D

Subject: Ideas & Inventions Wanted

From: Davison <newsletter@rumorfox.com>

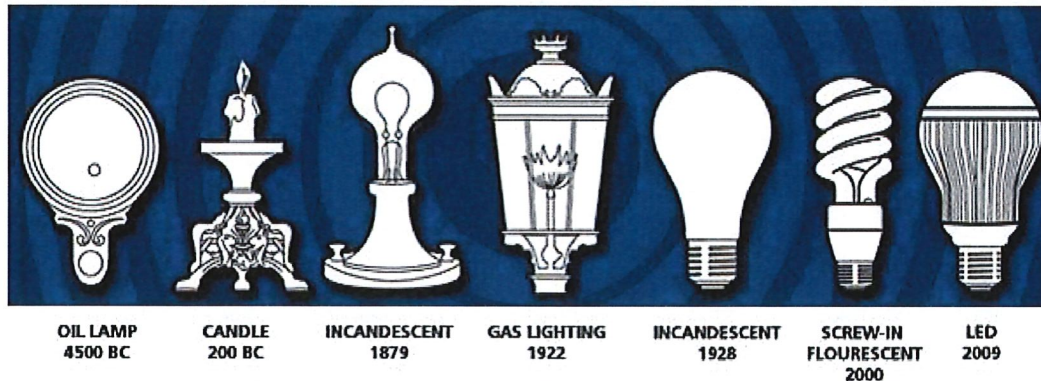
To: Joshua Lapin <ketosoup97@gmail.com>

Date Sent: Thursday, July 8, 2021 5:55:44 AM GMT+03:00

Date Received: Thursday, July 8, 2021 6:04:11 AM GMT+03:00

[Turn Your Idea into a Product - 100% Confidential](#)

IDEA EVOLUTION



"but that's already been invented..."

2011

2012

2013

By definition, evolution is the process of gradual and continuous change or development. In many respects the same can be said for inventing. All inventions are not brand new ideas. Many new products evolve from one model to another; advancing their design, capabilities and function.

At Davison, our Inventing Method is applied to helping products and ideas evolve. If you have a new or product improvement idea, we'd like to speak with you about it. We build ideas into products and present them to corporations. Our products have sold in Lowe's, Bed Bath & Beyond, Crate & Barrel, Jo-Ann Fabrics, Walmart and over 1,000 more.

Submit your idea today ▶



At Davison, our Inventing Method is applied to helping products and ideas evolve. If you have a new or product improvement idea, [we'd like to speak with you about it](#). We build ideas into products and present them to corporations. Our products have sold in Lowe's, Bed Bath & Beyond, Crate & Barrel, Jo-Ann Fabrics, Walmart and over 1,000 more.

If you would no longer like to receive advertisement from us, [click here](#)

Or write to: | 595 Alpha Drive Pittsburgh, PA 15238

Case ID: 230200202

Subject: Don't wait to create, make your ideas reality
From: Davison <delivered@emails-jobsdelivered.com>
To: ketosoup97@gmail.com
Date Sent: Monday, July 12, 2021 3:53:24 AM GMT+03:00
Date Received: Monday, July 12, 2021 3:53:26 AM GMT+03:00

**SHOOT FOR THE STARS
WITH YOUR INVENTION IDEA!**

DAVISON®

**Davison's 9-Step Inventing Method is a strategic way to
take you from idea conception to product creation! We
will keep your BIG IDEA safe and secure with the Davison
Idea Security Agreement!**

What's your BIG idea?

SUBMIT YOUR IDEA >

Davison designed products have sold in over
1200 stores and online retailers.



amazon.com



chewy.com



RFDRATH&



Walgreens

Available on the
App Store

MATCO

Case ID: 230200202

BEYOND

LOWES

HOME DEPOT

HOME DEPOT

TOOLS

TARGET

Walmart

ACE Hardware



JOANN

Davison charges fees for services. Davison's service typically does not result in a license agreement, sales on any market or profit to the inventor.

To unsubscribe please go [here](#)
595 Alpha Drive Pittsburgh, PA 15238

[Unsubscribe](#)

Jobs Delivered PO Box 4668 #85919 New York, New York 10163-4668 United States

This email is intended for ketosoup97@gmail.com.
[Update your preferences](#) or [Unsubscribe](#)

Subject: Have An Invention Or Product Idea?

From: Davison <updates@expectcarecare.com>

To: ketosoup97@gmail.com

Date Sent: Monday, June 14, 2021 5:10:22 AM GMT+03:00

Date Received: Monday, June 14, 2021 5:18:49 AM GMT+03:00

To Opt-out please go [here](#)

595 Alpha Drive Pittsburgh, PA 15238

To unsubscribe, [click here](#)

Subject: Trying To Make Money With An Invention Idea?

From: Davison <updates@expectcarecare.com>

To: ketosoup97@gmail.com

Date Sent: Thursday, June 17, 2021 1:05:49 PM GMT+03:00

Date Received: Thursday, June 17, 2021 1:14:39 PM GMT+03:00

Pursue Your Idea Today - Let Us Help!



We Are Passionate About Your Idea & Invention

At Davison, we quickly transform inventors' ideas from a simple pencil sketch to a full-scale professional product sample. Within our state-of-the-art in-house invention factory, we will protect and economically design your product idea or invention into a real product sample. Our team is ready to research, build and present your idea to corporations for possible licensing. **Our products have sold in over 1,000 stores including Walmart, Target, Home Depot, QVC, and Sears.**

"Davison helped us turn an idea into an actual product. They taught us the process from concept to reality and we worked together every step of the way. Our patience and trust in Davison was worth the time."

— Louisa and Gina

[Click here to securely](#)

Submit Your Idea!

Davison's research, development and presentation services are provided for an upfront fee paid by the client and a contingent fee, or a percentage of royalties obtained by the client, if any. New product development is an uncertain endeavor and the use of Davison's services typically does not result in a license agreement, sales on any market or profit to the inventor. Davison does not perform analysis of the feasibility, marketability, patentability or profitability of ideas submitted to it.

Case ID: 230200202

Davison - 595 Alpha Drive Pittsburgh, PA 15238
You are subscribed, if you wish to opt-out please [Go Here](#)

To unsubscribe, [click here](#)

Subject: Don't Just Think About You Invention Idea - Make It A Reality.

From: Davison <contact@nationalshoppersurvey.com>

To: ketosoup97@gmail.com

Date Sent: Sunday, June 13, 2021 9:27:08 AM GMT+03:00

Date Received: Sunday, June 13, 2021 9:27:38 AM GMT+03:00

[Click here to view this message in a browser window.](#)

LET'S TAKE YOUR IDEA TO THE NEXT LEVEL!!

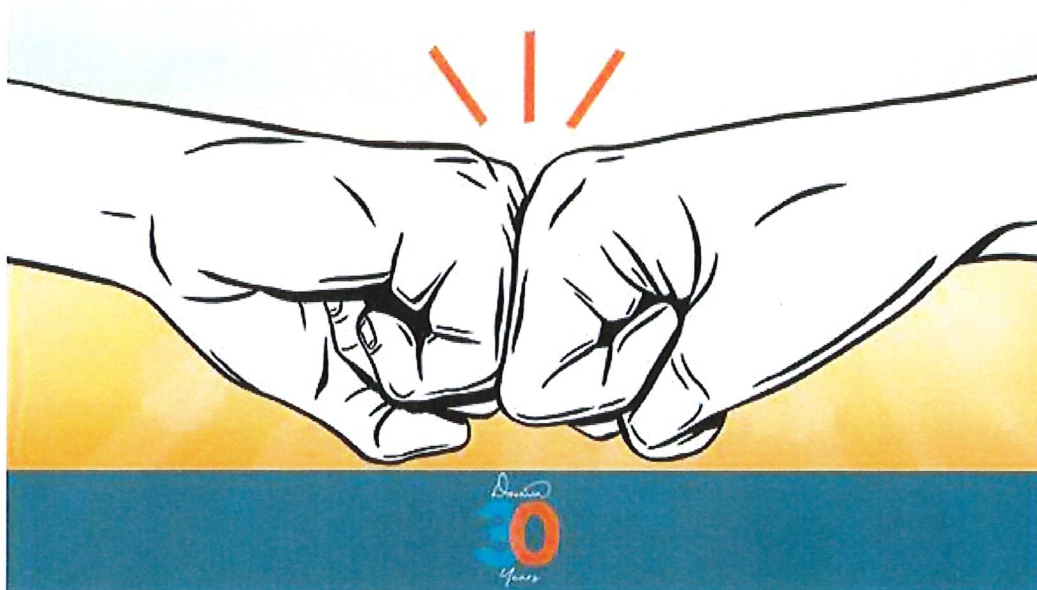
For 30 YEARS Davison has helped inventors & idea people just like
you take their new product ideas to a new level!

YOU CAN START INVENTING WITH THE DAVISON TEAM, TOO.

HIT THE BUTTON BELOW TO JUMP-START YOUR IDEA!

SUBMIT YOUR IDEA, TODAY!

JUMP-START YOUR IDEA



To opt-out please go [here](#)

595 Alpha Drive Pittsburgh, PA 15238

Case ID: 230200202

Doc ID: 83577e5ba1630d401fa74ec0779f50d40ac78857

To unsubscribe, [click here](#)

Subject: New Product Ideas Wanted

From: Davison <contact@nationalshoppersurvey.com>

To: ketosoup97@gmail.com

Date Sent: Monday, June 28, 2021 5:17:59 AM GMT+03:00

Date Received: Monday, June 28, 2021 5:19:29 AM GMT+03:00

**SHOOT FOR THE STARS
WITH YOUR INVENTION IDEA!**

DAVISON®

**Davison's 9-Step Inventing Method is a strategic way to
take you from idea conception to product creation! We
will keep your BIG IDEA safe and secure with the Davison
Idea Security Agreement!**

What's your BIG idea?

SUBMIT YOUR IDEA ►

**Davison designed products have sold in over
1200 stores and online retailers.**

Case ID: 230200202



amazon.com



chewy.com



BED BATH &
BEYOND



Walgreens

Available on the
App Store



Walmart

ACE Hardware



JOANN

Davison charges fees for services. Davison's service typically does not result in a license agreement, sales on any market or profit to the inventor.

To Opt-out please go [here](#)
595 Alpha Drive Pittsburgh, PA 15238

To unsubscribe, [click here](#)

Subject: We challenge you to pursue your idea.
From: Davison <info@jobsharknl.com>
To: ketosoup97@gmail.com
Date Sent: Sunday, July 11, 2021 1:28:05 AM GMT+03:00
Date Received: Sunday, July 11, 2021 1:28:07 AM GMT+03:00

CONFIDENTIALITY GUARENTEED!

IDEAS WANTED!



For over 30 years, Davison has helped inventors and idea people just like you turn their ideas into reality! Now it's your turn to work with this family owned and operated business.

We welcome you to the world of inventing and invite you to securely submit your product idea using our Idea Security Agreement!

**Don't regret the time you lost thinking about what to do.
SECURELY SUBMIT YOUR IDEA!**

Get a FREE Idea Starter Guide and a NO-COST Consultation.

**LET'S GET
STARTED!**

**Consultation and starter guide are free.
Fees are charged only for services you choose.**

Case ID: 230200202

To unsubscribe please go [here](#)
595 Alpha Drive Pittsburgh, PA 15238

[Unsubscribe](#)

Job Shark PO Box 10188-85919 Newark, New Jersey 07101 United States

Subject: We challenge you to pursue your idea.
From: Davison <info@jobsharknl.com>
To: ketosoup97@gmail.com
Date Sent: Tuesday, July 6, 2021 1:17:05 AM GMT+03:00
Date Received: Tuesday, July 6, 2021 1:17:07 AM GMT+03:00

CONFIDENTIALITY GUARENTEED!

IDEAS WANTED!



For over 30 years, Davison has helped inventors and idea people just like you turn their ideas into reality! Now it's your turn to work with this family owned and operated business.

We welcome you to the world of inventing and invite you to securely submit your product idea using our Idea Security Agreement!

**Don't regret the time you lost thinking about what to do.
SECURELY SUBMIT YOUR IDEA!**

Get a FREE Idea Starter Guide and a NO-COST Consultation.

**LET'S GET
STARTED!**

**Consultation and starter guide are free.
Fees are charged only for services you choose.**

Case ID: 230200202

To unsubscribe please go [here](#)
595 Alpha Drive Pittsburgh, PA 15238

Unsubscribe

Job Shark PO Box 10188-85919 Newark, New Jersey 07101 United States

Subject: Don't wait to create, make your ideas reality
From: Davison <delivered@emails-jobsdelivered.com>
To: ketosoup97@gmail.com
Date Sent: Tuesday, July 6, 2021 12:18:25 PM GMT+03:00
Date Received: Tuesday, July 6, 2021 12:48:27 PM GMT+03:00

**SHOOT FOR THE STARS
WITH YOUR INVENTION IDEA!**

DAVISON®

**Davison's 9-Step Inventing Method is a strategic way to
take you from idea conception to product creation! We
will keep your BIG IDEA safe and secure with the Davison
Idea Security Agreement!**

What's your BIG idea?

SUBMIT YOUR IDEA >

Davison designed products have sold in over
1200 stores and online retailers.



amazon.com



chewy.com



RFD RATH &



Walgreens

Available on the
App Store

MATCO

Case ID: 230200202

BEYOND

LOWES

HOME DEPOT

HOME DEPOT

TOOLS

TARGET

Walmart

ACE Hardware



JOANN

Davison charges fees for services. Davison's service typically does not result in a license agreement, sales on any market or profit to the inventor.

To unsubscribe please go [here](#)

595 Alpha Drive Pittsburgh, PA 15238

[Unsubscribe](#)

Jobs Delivered PO Box 4668 #85919 New York, New York 10163-4668 United States

Subject: Don't wait to create, make your ideas reality
From: Davison <delivered@emails-jobsdelivered.com>
To: ketosoup97@gmail.com
Date Sent: Friday, July 2, 2021 2:19:24 AM GMT+03:00
Date Received: Friday, July 2, 2021 2:19:26 AM GMT+03:00

**SHOOT FOR THE STARS
WITH YOUR INVENTION IDEA!**

DAVISON®

**Davison's 9-Step Inventing Method is a strategic way to
take you from idea conception to product creation! We
will keep your BIG IDEA safe and secure with the Davison
Idea Security Agreement!**

What's your BIG idea?

SUBMIT YOUR IDEA >

Davison designed products have sold in over
1200 stores and online retailers.



amazon.com



chewy.com



RFD RATH &



Walgreens

Available on the
App Store



Case ID: 230200202

BEYOND

LOWES

TOOLS

TARGET

Walmart

ACE Hardware



JOANN

Davison charges fees for services. Davison's service typically does not result in a license agreement, sales on any market or profit to the inventor.

To unsubscribe please go [here](#)
595 Alpha Drive Pittsburgh, PA 15238

[Unsubscribe](#)

Jobs Delivered PO Box 4668 #85919 New York, New York 10163-4668 United States

Subject: Don't wait to create, make your ideas reality

From: Davison <delivered@emails-jobsdelivered.com>

To: ketosoup97@gmail.com

Date Sent: Thursday, July 22, 2021 10:22:32 PM GMT+03:00

Date Received: Thursday, July 22, 2021 10:22:34 PM GMT+03:00

**SHOOT FOR THE STARS
WITH YOUR INVENTION IDEA!**

DAVISON®

**Davison's 9-Step Inventing Method is a strategic way to
take you from idea conception to product creation! We
will keep your BIG IDEA safe and secure with the Davison
Idea Security Agreement!**

What's your BIG idea?

SUBMIT YOUR IDEA >

Davison designed products have sold in over
1200 stores and online retailers.



amazon.com



chewy.com



RFD RATH &



Walgreens

Available on the
App Store

MATCO

Case ID: 230200202

BEYOND

LOWES

TOOLS

TARGET

Walmart

ACE Hardware



JOANN

Davison charges fees for services. Davison's service typically does not result in a license agreement, sales on any market or profit to the inventor.

To unsubscribe please go [here](#)
595 Alpha Drive Pittsburgh, PA 15238

[Unsubscribe](#)

Jobs Delivered PO Box 4668 #85919 New York, New York 10163-4668 United States

Subject: Ideas & Inventions Wanted

From: Davison <contact@entirelybelieve.com>

To: ketosoup97@gmail.com

Date Sent: Tuesday, June 29, 2021 11:41:37 PM GMT+03:00

Date Received: Tuesday, June 29, 2021 11:41:52 PM GMT+03:00

**SHOOT FOR THE STARS
WITH YOUR INVENTION IDEA!**

DAVISON®

**Davison's 9-Step Inventing Method is a strategic way to
take you from idea conception to product creation! We
will keep your BIG IDEA safe and secure with the Davison
Idea Security Agreement!**

What's your BIG idea?

SUBMIT YOUR IDEA >

**Davison designed products have sold in over
1200 stores and online retailers.**

Case ID: 230200202



amazon.com



chewy.com



BED BATH &
BEYOND



Walgreens

Available on the
App Store



Walmart

ACE Hardware



JOANN

Davison charges fees for services. Davison's service typically does not result in a license agreement, sales on any market or profit to the inventor.

To opt-out please go [here](#)

595 Alpha Drive Pittsburgh, PA 15238

To unsubscribe, [click here](#)

Subject: Ideas & Inventions Wanted

From: Davison <newsletter@rumorfox.com>

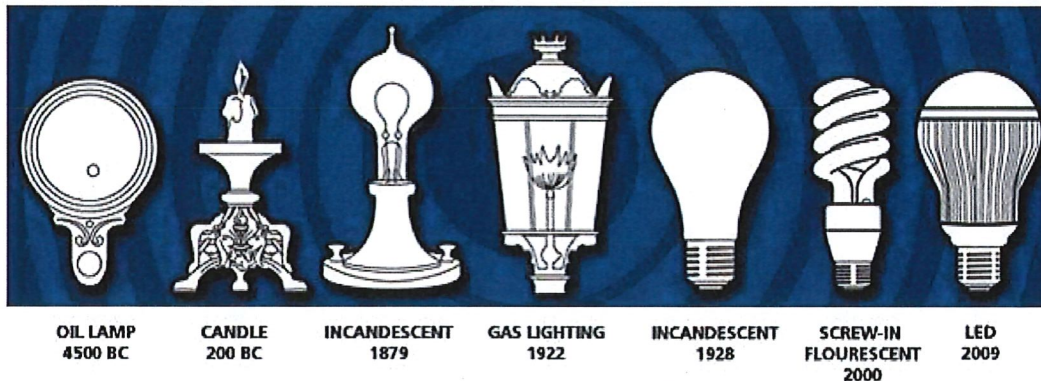
To: Joshua Lapin <ketosoup97@gmail.com>

Date Sent: Sunday, June 20, 2021 4:07:04 AM GMT+03:00

Date Received: Sunday, June 20, 2021 4:18:53 AM GMT+03:00

[Turn Your Idea into a Product - 100% Confidential](#)

IDEA EVOLUTION



"but that's already been invented..."

2011

2012

2013

By definition, evolution is the process of gradual and continuous change or development. In many respects the same can be said for inventing. All inventions are not brand new ideas. Many new products evolve from one model to another; advancing their design, capabilities and function.

At Davison, our Inventing Method is applied to helping products and ideas evolve. If you have a new or product improvement idea, we'd like to speak with you about it. We build ideas into products and present them to corporations. Our products have sold in Lowe's, Bed Bath & Beyond, Crate & Barrel, Jo-Ann Fabrics, Walmart and over 1,000 more.

Submit your idea today ▶



At Davison, our Inventing Method is applied to helping products and ideas evolve. If you have a new or product improvement idea, [we'd like to speak with you about it](#). We build ideas into products and present them to corporations. Our products have sold in Lowe's, Bed Bath & Beyond, Crate & Barrel, Jo-Ann Fabrics, Walmart and over 1,000 more.

If you would no longer like to receive advertisement from us, [click here](#)

Or write to: | 595 Alpha Drive Pittsburgh, PA 15238

Case ID: 230200202

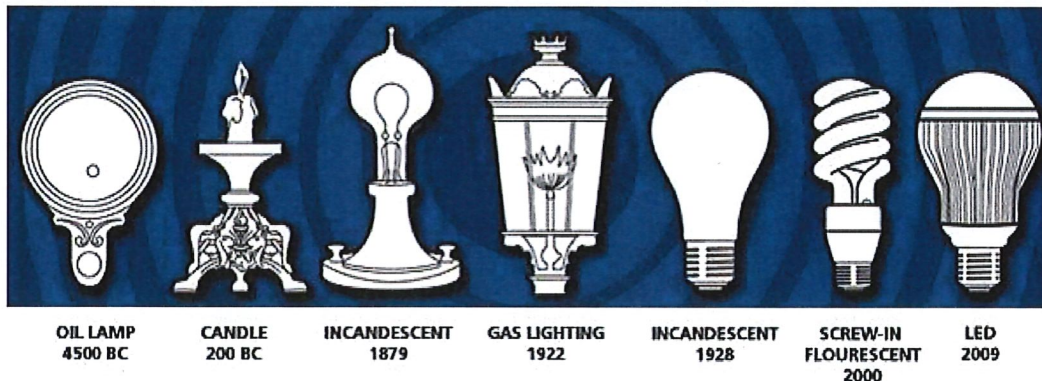
Doc ID: 83577e5ba1630d401fa74ec0779f50d40ac78857

This email is intended for ketosoup97@gmail.com.
[Update your preferences](#) or [Unsubscribe](#)

Subject: Ideas & Inventions Wanted
From: Davison <newsletter@rumorfox.com>
To: Joshua Lapin <ketosoup97@gmail.com>
Date Sent: Friday, June 25, 2021 5:25:24 AM GMT+03:00
Date Received: Friday, June 25, 2021 5:40:09 AM GMT+03:00

[Turn Your Idea into a Product - 100% Confidential](#)

IDEA EVOLUTION



"but that's already been invented..."

2011

2012

2013

By definition, evolution is the process of gradual and continuous change or development. In many respects the same can be said for inventing. All inventions are not brand new ideas. Many new products evolve from one model to another; advancing their design, capabilities and function.

At Davison, our Inventing Method is applied to helping products and ideas evolve. If you have a new or product improvement idea, we'd like to speak with you about it. We build ideas into products and present them to corporations. Our products have sold in Lowe's, Bed Bath & Beyond, Crate & Barrel, Jo-Ann Fabrics, Walmart and over 1,000 more.

Submit your idea today ▶



At Davison, our Inventing Method is applied to helping products and ideas evolve. If you have a new or product improvement idea, [we'd like to speak with you about it.](#) We build ideas into products and present them to corporations. Our products have sold in Lowe's, Bed Bath & Beyond, Crate & Barrel, Jo-Ann Fabrics, Walmart and over 1,000 more.

If you would no longer like to receive advertisement from us, [click here](#)

Or write to: | 595 Alpha Drive Pittsburgh, PA 15238

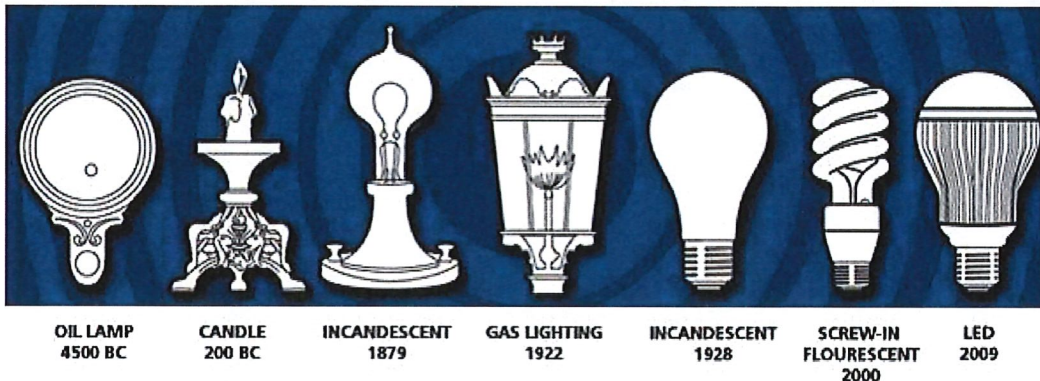
Case ID: 230200202

This email is intended for ketosoup97@gmail.com.
[Update your preferences](#) or [Unsubscribe](#)

Subject: Ideas & Inventions Wanted
From: Davison <newsletter@rumorfox.com>
To: Joshua Lapin <ketosoup97@gmail.com>
Date Sent: Saturday, July 3, 2021 1:40:43 AM GMT+03:00
Date Received: Saturday, July 3, 2021 1:52:17 AM GMT+03:00

[Turn Your Idea into a Product - 100% Confidential](#)

IDEA EVOLUTION



"but that's already been invented..."

2011

2012

2013

By definition, evolution is the process of gradual and continuous change or development. In many respects the same can be said for inventing. All inventions are not brand new ideas. Many new products evolve from one model to another; advancing their design, capabilities and function.

At Davison, our Inventing Method is applied to helping products and ideas evolve. If you have a new or product improvement idea, we'd like to speak with you about it. We build ideas into products and present them to corporations. Our products have sold in Lowe's, Bed Bath & Beyond, Crate & Barrel, Jo-Ann Fabrics, Walmart and over 1,000 more.

Submit your idea today ▶



At Davison, our Inventing Method is applied to helping products and ideas evolve. If you have a new or product improvement idea, [we'd like to speak with you about it](#). We build ideas into products and present them to corporations. Our products have sold in Lowe's, Bed Bath & Beyond, Crate & Barrel, Jo-Ann Fabrics, Walmart and over 1,000 more.

If you would no longer like to receive advertisement from us, [click here](#)

Or write to: | 595 Alpha Drive Pittsburgh, PA 15238

Case ID: 230200202

Doc ID: 83577e5ba1630d401fa74ec0779f50d40ac78857

This email is intended for ketosoup97@gmail.com.
[Update your preferences](#) or [Unsubscribe](#)

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA

Filed and Attested by the
Office of Judicial Records
19 MAR 2023 04:37 pm
B. MERCEDES



Plaintiff:

Joshua Lapin

Defendants:

Nutrisystem Inc
Davison Design & Development Inc
Renown Holdings Inc

Case No. 230200202

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
Lawyer Referral
and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascender una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion De Licenciados
De Filadelfia
Servicio De Referencia E
Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

Exhibit “2”

USTED ESTA ORDENADO COMPARECER EN Arbitration Hearing 1880 JFK Blvd. 5th fl. at 09:15 AM - 12:05 PM FOR WRIT OF SUMMONS
 You must still comply with the notice below. USTED TODAVIA DEBE CUJPLIR CON EL AVISO PARA DEFENDERSE.
 This matter will be heard by a Board of Arbitrators at the time, date and place specified but, if one or more parties is not present
 at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties.
 There is no right to a trial denovo on appeal from a decision entered by Judge

Commonwealth of Pennsylvania

COUNTY OF PHILADELPHIA

Filed and Attested by the
 Office of Judicial Records
 01 FEB 2023 02:11 pm
 C. PERRY

Joshua Lapin

COURT OF COMMON PLEAS
 Trial Division

401 E 8th St STE 214 PMB 7452

Sioux Falls SD 57103

TERM, 20

NO.

Plaintiff(s) Name(s) & Address(es)

VS

Nutrisystem, Inc Address: Nutrisystem, Inc C/O Corporation Service Company 2595 Interstate Dr #103, Harrisburg, PA 17110

Davison Design & Development, Inc 595 Alpha Dr Pittsburgh, PA 15238-2911

Renown Holdings Inc 1165 National Pike Uniontown, PA 15401

Defendant(s) Name(s) & Address(es)

PRAECIPE FOR WRIT OF SUMMONS

TO THE OFFICE OF JUDICIAL RECORDS:

Kindly issue a Writ of Summons in the above captioned civil action.

Date: 02/1/23

DocuSigned by:

JOSHUA A LAPIN

C443437C44A04F5...

Signature of Attorney or Plaintiff(s)

Joshua Lapin

Print Name

401 E 8th St STE 214 PMB 7452

Address

Sioux Falls SD 57103

(714) 654-8886

Phone Number

Case ID: 230200202

Commonwealth of Pennsylvania
COUNTY OF PHILADELPHIA

Joshua Lapin

Plaintiff

COURT OF COMMON PLEAS

_____ Term, 20_____

Nutrisystem Inc ^{vs.}

Davison Design & Development Inc

Renown Holdings Inc

Defendant

No. _____

To¹

Nutrisystem Inc

Davison Design & Development Inc

Renown Holdings Inc

Writ of Summons

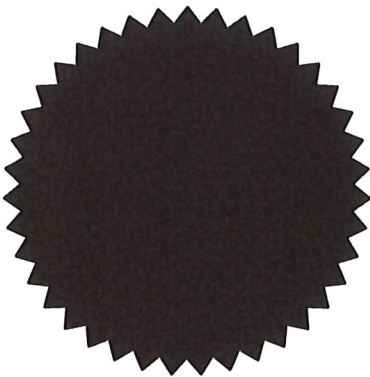
You are notified that the Plaintiff²

Usted esta avisado que el demandante

Joshua Lapin

Has (have) commenced an action against you.

Ha (han) iniciado una accion en contra suya.



ERIC FEDER

Director, Office of Judicial Records

By: _____

Date: _____



¹ Name(s) of Defendant(s)

² Name(s) of Plaintiff(s)

Court of Common Pleas

_____ Term, 20 _____

No. _____

Joshua Lapin

Plaintiff

Davison Design & Development Inc
Renown Holdings Inc
Nutrisystem Inc

Defendant

SUMMONS

Exhibit “3”



**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY,
COMMONWEALTH OF PENNSYLVANIA**

JOSHUA LAPIN,

CIVIL DIVISION

Plaintiff,

No. 230200202

v.

NUTRISYSTEM, INC; DAVISON
DESIGN & DEVELOPMENT, INC.; and
RENOWN HOLDINGS, INC.,

**PRAECIPE FOR RULE TO FILE
COMPLAINT**

Defendants.

Code: _____

Filed on Behalf of:
Defendant Renown Holdings, Inc.

Counsel of record for this party:

Ronald L. Hicks, Jr., Esq.
PA ID #49520
rhicks@porterwright.com

PORTER WRIGHT MORRIS & ARTHUR LLP
6 PPG Place, Third Floor
Pittsburgh, PA 15222
(412) 235.4500

Case ID: 230200202

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY,
COMMONWEALTH OF PENNSYLVANIA

JOSHUA LAPIN,)	CIVIL DIVISION
)	
Plaintiff,)	
)	
v.)	No. 230200202
)	
NUTRISYSTEM, INC; <i>et al.</i> ,)	
)	
Defendants.)	

PRAECIPE FOR RULE TO FILE COMPLAINT

TO THE OFFICE OF JUDICIAL RECORDS:

Pursuant to Pennsylvania Rule of Civil Procedure 1037(a), kindly issue a rule upon Plaintiff to file a complaint in the above captioned civil action.

Respectfully Submitted,

Dated: February 17, 2023

/s/ Ronald L. Hicks, Jr.

Ronald L. Hicks, Jr. (PA ID #49520)
rhicks@porterwright.com

PORTER WRIGHT MORRIS & ARTHUR LLP
6 PPG Place, Third Floor
Pittsburgh, PA 15222
412-235-4500

*Attorneys for Defendant
Renown Holdings, Inc.*

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY,
COMMONWEALTH OF PENNSYLVANIA

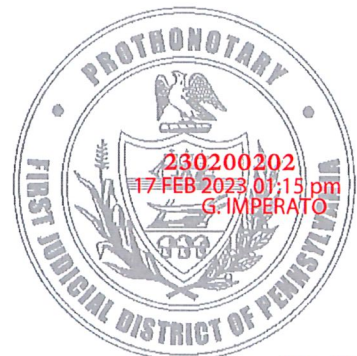
JOSHUA LAPIN,)	CIVIL DIVISION
)	
Plaintiff,)	
)	
v.)	No. 230200202
)	
NUTRISYSTEM, INC; <i>et al.</i> ,)	
)	
Defendants.)	

RULE TO FILE COMPLAINT

TO: Plaintiff, Joshua Lapin

AND NOW, this ____ day of February, 2023, a Rule is hereby granted upon Plaintiff to file a Complaint herein within twenty (20) days after service hereof or suffer the entry of Judgment of Non Pros.

Office of Judicial Records



Case ID: 230200202

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing **PRAECIPE** was served via electronic mail and First Class Mail, postage prepaid, on this 17th day of February 2023, to:

Joshua Lapin
401 E. 8th St., Suite 214 PMB 7452
Sioux Falls, SD 57103
thehebrewhammerjosh@gmail.com

/s/ Ronald L. Hicks, Jr.

Ronald L. Hicks, Jr. (PA ID #49520)

rhicks@porterwright.com

PORTER WRIGHT MORRIS & ARTHUR LLP

6 PPG Place, Third Floor

Pittsburgh, PA 15222

412-235-4500

Attorneys for Defendant

Renown Holdings, Inc.

CERTIFICATE OF COMPLIANCE

I certify this filing complies with the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Dated: February 17, 2023

/s/ Ronald L. Hicks, Jr.

Ronald L. Hicks, Jr. (PA ID #49520)
rhicks@porterwright.com

PORTER WRIGHT MORRIS & ARTHUR LLP
6 PPG Place, Third Floor
Pittsburgh, PA 15222
412-235-4500

*Attorneys for Defendant
Renown Holdings, Inc.*

Exhibit “4”



No Items in Cart

LOGOUT

rhicks4

Civil Docket Report

A \$5 Convenience fee will be added to the transaction at checkout.

Case Description

Case ID: 230200202
Case Caption: LAPIN VS NUTRISYSTEM INC ETAL
Filing Date: Wednesday, February 01st, 2023
Court: ARBITRATION
Location: CITY HALL
Jury: NON JURY
Case Type: PERSONAL INJURY - OTHER
Status: ARBITRATION HEARING SCHEDULED

Related Cases

No related cases were found.

Case Event Schedule

Event	Date/Time	Room	Location	Judge
ARBITRATION HEARING	05-DEC-2023 09:15 AM	ARBITRATION CENTER	1880 JFK BLVD 5TH FLOOR	unassigned

Case motions

No case motions were found.

Case Parties

Seq #	Assoc	Expn Date	Type	Name
1			PRO SE FILER	LAPIN, JOSHUA A
Address:	401 E 8TH ST STE 214 PMB 7452 SIOUX FALLS SD 57103 (714)654-8886	Aliases:	none	
2	1		PLAINTIFF	LAPIN, JOSHUA A
Address:	401 E 8TH ST STE 214 PMB 7452 SIOUX FALLS SIOUX FALLS SD 57103	Aliases:	none	

3			DEFENDANT	NUTRISYSTEM INC
Address:	2595 INTERSTATE DRIVE #103 HARRISBURG PA 17110	Aliases:	NUTRISYSTEM	
4			DEFENDANT	DAVISON DESIGN & DEVELOPMENT INC
Address:	585 ALPHA DR PITTSBURGH PA 1523	Aliases:	DAVISON	
5	7		DEFENDANT	RENOWN HOLDINGS INC
Address:	1165 NATIONAL PIKE UNIONTOWN PA 15401	Aliases:	RENOWN HOLDINGS	
6			MOTION ASSIGNMENT JUDGE	JACQUINTO, CARMELLA
Address:	Stout Center 1205 PHILADELPHIA PA 19107 (215)683-7032	Aliases:	none	
7			ATTORNEY FOR DEFENDANT	HICKS JR, RONALD L
Address:	NELSON MULLINS 6 PPG PLACE, SUITE 700 PITTSBURGH PA 15222 (412)730-3092 ronald.hicks@nelsonmullins.com	Aliases:	none	

Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount
01-FEB-2023 02:11 PM	ACTIVE CASE		
Docket Entry:	E-Filing Number: 2302000836		
01-FEB-2023	COMMENCEMENT OF CIVIL	LAPIN, JOSHUA A	

02:11 PM	ACTION		
Documents:	Final Cover		
Docket Entry:	none.		
01-FEB-2023 02:11 PM	PRAE TO ISSUE WRIT OF SUMMONS	LAPIN, JOSHUA A	
Documents:	Complete_with_DocuSign_Praecipe-for-Writ-of-.pdf		
Docket Entry:	PRAECIPE TO ISSUE WRIT OF SUMMONS FILED. WRIT OF SUMMONS ISSUED.		
02-FEB-2023 09:16 AM	ARBITRATION HEARING SCHEDULED		
Docket Entry:	SCHEDULED FOR ARBITRATION HEARING ON DECEMBER 5, 2023, AT 09:15 AM AT THE ARBITRATION CENTER, 1880 JFK BLVD 5TH FLOOR.		
17-FEB-2023 10:22 AM	ENTRY OF APPEARANCE	HICKS JR, RONALD L	
Documents:	Entry of Appearance.pdf		
Docket Entry:	ENTRY OF APPEARANCE OF RONALD L HICKS FILED. (FILED ON BEHALF OF RENOWN HOLDINGS INC)		
17-FEB-2023 01:15 PM	RULE TO FILE COMPLAINT	HICKS JR, RONALD L	
Documents:	Praecipe for Rule to File Complaint - Renown Holdings_Lapin.pdf		
Docket Entry:	PRAECIPE AND RULE FILED UPON JOSHUA A LAPIN TO FILE A COMPLAINT WITHIN TWENTY (20) DAYS OR SUFFER JUDGMENT OF NON PROS FILED. (FILED ON BEHALF OF RENOWN HOLDINGS INC)		
21-FEB-2023 02:23 PM	OBJECTIONS FILED	HICKS JR, RONALD L	
Documents:	Objections to Subpoenas Pursuant to Rule 4009.21.pdf		
Docket Entry:	OBJECTIONS TO SUBPOENA PURSUANT TO RULE 4009.21 FILED. (FILED ON BEHALF OF RENOWN HOLDINGS INC)		
19-MAR-2023 04:37 PM	COMPLAINT FILED NOTICE GIVEN	LAPIN, JOSHUA A	

Documents:	PA Case Original Complaint With Exhibits Signed.pdf Notice-to-Defend-10-284.pdf
Docket Entry:	COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 FILED. (FILED ON BEHALF OF JOSHUA A LAPIN) ENTRY OF APPEARANCE FILED ON BEHALF OF JOSHUA A LAPIN.

[▶ Case Description](#)[▶ Related Cases](#)[▶ Event Schedule](#)[▶ Case Parties](#)[▶ Docket Entries](#)[E-Filing System](#)[Search Home](#)[Return to Results](#)

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing **NOTICE** was served via electronic mail and First Class Mail, postage prepaid, on this 7th day of April 2023, to:

Joshua Lapin
401 E. 8th St., Suite 214 PMB 7452
Sioux Falls, SD 57103
thehebrewhammerjosh@gmail.com

/s/ Ronald L. Hicks, Jr.

Ronald L. Hicks, Jr. (PA ID #49520)

ronald.hicks@nelsonmullins.com

NELSON MULLINS RILEY & SCARBOROUGH LLP

Six PPG Place, Suite 700

Pittsburgh, PA 15222

(412) 730-4050

Attorneys for Defendant

Renown Holdings, Inc.